

**United States Bankruptcy Court for the  
Southern District of Ohio, Eastern Division  
Columbus Divisional Office**

IN RE:

Edward F. & Elene P. Kent, Padre's Enterprises  
LLC; Pizza Pan

Debtor(s)

Case No. 09-51544 CMC  
Judge: Charles M Caldwell

Chapter: 7

**MOTION FOR PAYMENT OF UNCLAIMED FUNDS**

Under penalty of perjury, the Movant declares that the following statements and information are true and correct.

1. To the best of Movant's knowledge, a check in the amount of \$4,663.10 was issued to Shops at Waggoner, LLC (name of original creditor/claimant).
2. To the best of Movant's knowledge, the funds were tendered by the case trustee to the Bankruptcy Clerk and then to the United States Treasury.
3. The Movant's current address, phone number and social security number (last 4 digits only of social security number or complete EIN) are as follows:

25 Buckingham Ct, Hillsborough, CA 94010 Phone: (650) 991-0999  
TIN: 20-8533995

4. The Movant did not deposit the check for the following reason(s):

Dividends were not collected by the creditor, Shops at Waggoner, LLC. At the time of the filing of this case, the property manager for Shops at Waggoner, LLC was Northstar Realty. Shops at Waggoner, LLC's current address is listed above.

5. Movant represents that he/she is the owner of the funds, or is a legal representative of the owner, and is entitled to receive the funds. (If the movant is other than the owner of the funds, additional requirements pursuant to Local Bankruptcy Rule 3011-1(d) may apply to establish the right of payment of the unclaimed funds.)
6. Movant understands that pursuant to 18 U.S.C. § 152, a fine or imprisonment or both may be imposed if he/she knowingly or fraudulently made any false statements in this document.
7. Wherefore, Movant requests an order directing the Clerk to pay the funds to Shops at Waggoner, LLC c/o Dilks & Knopik, LLC, and mail said check to the following address: 35308 SE Center St, Snoqualmie, WA 98065.

Respectfully Submitted:

Dated: October 28, 2015

/s/Brian J. Dilks  
Managing Member  
Dilks & Knopik, LLC  
35308 SE Center St  
Snoqualmie, WA 98065  
Brian.dilks@dilksknopik.com

WASHINGTON

ENHANCED  
DRIVER LICENSE



3212213A1038

4d LIC# [REDACTED] 23QQ

DONOR

1 DILKS

2 BRIAN JACOB

3 DOR [REDACTED]-1978

4a Iss [REDACTED]-2012

8 ISSAQUAH WA 98027-8857

15 Sex: M 16 Hgt 5-07

17 Wgt 150 18 Eyes BLU

9 Class

4b Exp [REDACTED]-2017

9a End NONE

12 Restrictions NONE

5 DD [REDACTED]



[Signature]

## **AFFIDAVIT OF FUNDS LOCATOR**

I, Brian J. Dilks, have obtained the consent of the claimant to make application for the unclaimed funds as provided in this application. I have made all reasonable efforts required to believe to the best of my knowledge that Shops at Waggoner, LLC is legally entitled to the unclaimed funds referenced in this application.

Dated October 28, 2015

/s/Brian J. Dilks  
Managing Member  
Dilks & Knopik, LLC  
35308 SE Center St  
Snoqualmie, WA 98065  
Brian.dilks@dilksknopik.com

**United States Bankruptcy Court for the  
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IN RE:

Case No. 09-51544 CMC

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Debtor(s)

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**CERTIFICATE OF SERVICE OF APPLICATION**

I hereby certify that a copy of the foregoing Motion for Payment of Unclaimed Funds was served on the following by ordinary U.S. Mail on October 28, 2015

U.S. Attorney's Office  
Southern District of Ohio  
303 Marconi Boulevard – Suite 200  
Columbus, OH 43215

Office of the US Trustee  
170 N. High Street, Suite 200  
Columbus, OH 43215

Edward F. & Elene P. Kent, Padre's  
Enterprises LLC; Pizza Pan  
Debtor  
8063 Ashenden Drive  
Blacklick, OH 43004-7100

A copy of the foregoing Motion for Payment of Unclaimed Funds was served on the following via Electronic Mail on October 28, 2015

Frederick L Ransier  
Trustee  
flransier@vorys.com

Stewart H Cupps  
Debtors Attorney  
scupps@wowway.com

Dated: October 28, 2015

/s/Brian J. Dilks

Managing Member  
Dilks & Knopik, LLC  
35308 SE Center St  
Snoqualmie, WA 98065  
[Brian.dilks@dilksknopik.com](mailto:Brian.dilks@dilksknopik.com)

**United States Bankruptcy Court for the  
Southern District of Ohio, Eastern Division  
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IN RE:

Edward F. & Elene P. Kent, Padre's Enterprises  
LLC; Pizza Pan

Debtor(s)

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Case No. 09-51544 CMC  
Judge: Charles M Caldwell

Chapter: 7

**NOTICE OF MOTION**

Dilks & Knopik, LLC has filed a Motion for Payment of Unclaimed Funds with the court.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the court to grant the relief sought in the motion/objection, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular US Mail to the bankruptcy court clerk's office OR your attorney must file a response using the court's ECF system.

The court must **receive** your response on or before the above date. You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to

U.S. Attorney's Office  
Southern District of Ohio  
303 Marconi Boulevard – Suite 200  
Columbus, OH 43215

Office of the US Trustee  
170 N. High Street, Suite 200  
Columbus, OH 43215

Edward F. & Elene P. Kent, Padre's Enterprises  
LLC; Pizza Pan  
Debtor  
8063 Ashenden Drive  
Blacklick, OH 43004-7100

Stewart H Cupps  
Debtors Attorney  
scupps@wowway.com

Frederick L Ransier  
Trustee  
flransier@vorys.com

Dilks & Knopik, LLC  
35308 SE Center Street  
Snoqualmie, WA 98065

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief without further hearing or notice.

Dated: October 28, 2015

/s/ Brian J. Dilks  
Managing Member  
Dilks & Knopik, LLC  
35308 SE Center St  
Snoqualmie, WA 98065  
[Brian.dilks@dilksknopik.com](mailto:Brian.dilks@dilksknopik.com)

UNITED STATES BANKRUPTCY COURT  
Southern District of Ohio, Eastern Division

RE: Edward F. & Elene P. Kent, Padre's  
Enterprises LLC; Pizza Pan

Case: 09-51544 CMC

Debtor(s)

AUTHORITY TO ACT  
Limited Power of Attorney  
Limited to one Transaction

USED ONLY TO COLLECT FUNDS FROM THE ABOVE REFERENCED CASE

1. Shops at Waggoner, LLC with a tax identification number of XX-XXX3995, ("CLIENT"), appoints Dilks & Knopik, LLC ("D&K"), as its lawful attorney in fact for the limited purpose of recovering, receiving and obtaining information pertaining to the outstanding tender of funds in the amount of \$4,663.10 (the "FUNDS"), including the right to collect on CLIENT's behalf any such funds that are held by a governmental agency or authority.
2. CLIENT grants to D&K the authority to do all things legally permissible and reasonably necessary to recover or obtain the FUNDS held by the governmental agency or authority. This limited authority includes the right to receive all communications from the governmental agency or authority and to deposit checks payable to CLIENT for distribution of the FUNDS to CLIENT, less the fee payable to D&K pursuant to and in accordance with its agreement with CLIENT.
3. D&K may not make any expenditure or incur any costs or fees on behalf of CLIENT without CLIENT's prior written consent.
4. This Authority to Act shall become effective on the below signed date and shall expire upon collection of the aforementioned FUNDS. I authorize the use of a photocopy of this Limited Power of Attorney in lieu of the original.

Isam Khoury - Managing Member

Date

OCT. 13, 2015

STATE OF CA

ACKNOWLEDGMENT

COUNTY OF San Mateo

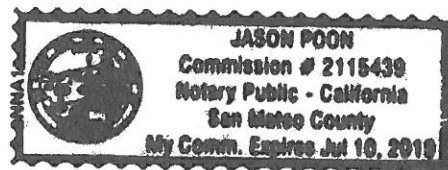
On this 13 day of OCT., 2015, before me, the undersigned Notary Public in and for the said County and State, personally appeared (name) Isam Khoury known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that (circle one) he/she did so freely and voluntarily and for the uses and purposes therein mentioned.  
WITNESS my hand and official seal.

NOTARY PUBLIC

Residing at DAILY CITY, CA

My Commission expires

07/10/2019





State of California  
Secretary of State

L

STATEMENT OF INFORMATION  
(Limited Liability Company)

Filing Fee \$20.00. If amendment, see instructions.

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

ENDORSED - FILED  
In the office of the Secretary of State  
of the State of California

FEB 28 2007

1. LIMITED LIABILITY COMPANY NAME (Please do not alter if name is preprinted.)

Shops at Waggoner, LLC

This Space For Filing Use Only

DUE DATE: MAY 14 2007

FILE NUMBER AND STATE OR PLACE OF ORGANIZATION

2. SECRETARY OF STATE FILE NUMBER

200704510296

3. STATE OR PLACE OF ORGANIZATION

California

COMPLETE ADDRESSES FOR THE FOLLOWING (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE

CITY AND STATE

ZIP CODE

25 BUCKINGHAM CT.

HILLSBOROUGH, CA

94010

5. CALIFORNIA OFFICE WHERE RECORDS ARE MAINTAINED (DOMESTIC ONLY)

CITY

STATE

ZIP CODE

25 BUCKINGHAM CT.

HILLSBOROUGH

CA

94010

NAME AND COMPLETE ADDRESS OF THE CHIEF EXECUTIVE OFFICER, IF ANY

6. NAME

ADDRESS

CITY AND STATE

ZIP CODE

NAME AND COMPLETE ADDRESS OF ANY MANAGER OR MANAGERS, OR IF NONE HAVE BEEN APPOINTED OR ELECTED, PROVIDE THE NAME AND ADDRESS OF EACH MEMBER (Attach additional pages, if necessary.)

7. NAME

ADDRESS

CITY AND STATE

ZIP CODE

ISAM KHOURY

25 BUCKINGHAM CT.

HILLSBOROUGH, CA

94010

8. NAME

ADDRESS

CITY AND STATE

ZIP CODE

9. NAME

ADDRESS

CITY AND STATE

ZIP CODE

AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 11 must be completed with a California address. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 11 must be left blank.)

10. NAME OF AGENT FOR SERVICE OF PROCESS

ISAM KHOURY

11. ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

CITY

STATE

ZIP CODE

25 BUCKINGHAM CT.

HILLSBOROUGH

94010

TYPE OF BUSINESS

12. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY

Shopping Center (real estate)

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

ISAM KHOURY

[Signature]

Manager

2-22-07

TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

SIGNATURE

TITLE

DATE

LLC-12 (REV 07/2006)

APPROVED BY SECRETARY OF STATE



# Application for Employer Identification Number

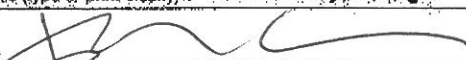
(For use by employers, corporations, partnerships, trusts, estates, churches, government agencies, Indian tribal entities, certain individuals, and others.)

▶ See separate instructions for each line. ▶ Keep a copy for your records.

OMB No. 1545-0003

EIN

20-8533995

Type or print clearly.	<b>1</b> Legal name of entity (or individual) for whom the EIN is being requested <b>Shops at Waggoner, LLC</b>		
	<b>2</b> Trade name of business (if different from name on line 1)		<b>3</b> Executor, administrator, trustee, "care of" name <b>Isam Khoury</b>
	<b>4a</b> Mailing address (room, apt., suite no. and street, or P.O. box) <b>25 Buckingham Court</b>		<b>5a</b> Street address (if different) (Do not enter a P.O. box.) <b>7940-7968 East Broad Street</b>
	<b>4b</b> City, state, and ZIP code <b>Hillsborough CA 94010</b>		<b>5b</b> City, state, and ZIP code <b>Columbus OH 43068</b>
	<b>6</b> County and state where principal business is located <b>Franklin, OH</b>		
	<b>7a</b> Name of principal officer, general partner, grantor, owner, or trustor <b>Isam Khoury</b>		<b>7b</b> SSN, ITIN, or EIN <div style="background-color: black; width: 100px; height: 1.2em;"></div>
<b>8a</b> Type of entity (check only one box)			
<input type="checkbox"/> Sole proprietor (SSN) _____ <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Corporation (enter form number to be filed) ▶ _____ <input type="checkbox"/> Personal service corporation <input type="checkbox"/> Church or church-controlled organization <input type="checkbox"/> Other nonprofit organization (specify) ▶ _____ <input type="checkbox"/> Other (specify) ▶ <b>Partnership is LLC</b>			
<input type="checkbox"/> Estate (SSN of decedent) _____ <input type="checkbox"/> Plan administrator (SSN) _____ <input type="checkbox"/> Trust (SSN of grantor) _____ <input type="checkbox"/> National Guard <input type="checkbox"/> State/local government <input type="checkbox"/> Farmers' cooperative <input type="checkbox"/> Federal government/military <input type="checkbox"/> REMIC <input type="checkbox"/> Indian tribal governments/enterprises Group Exemption Number (GEN) ▶ _____			
<b>8b</b> If a corporation, name the state or foreign country (if applicable) where incorporated			
<b>State</b> <b>California</b>		<b>Foreign country</b>	
<b>9</b> Reason for applying (check only one box)			
<input type="checkbox"/> Started new business (specify type) ▶ _____ <input type="checkbox"/> Hired employees (Check the box and see line 12.) <input type="checkbox"/> Compliance with IRS withholding regulations <input type="checkbox"/> Other (specify) ▶ _____			
<input type="checkbox"/> Banking purpose (specify purpose) ▶ _____ <input type="checkbox"/> Changed type of organization (specify new type) ▶ _____ <input checked="" type="checkbox"/> Purchased going business <input type="checkbox"/> Created a trust (specify type) ▶ _____ <input type="checkbox"/> Created a pension plan (specify type) ▶ _____			
<b>10</b> Date business started or acquired (month, day, year). See instructions. <b>2007/02/14</b>		<b>11</b> Closing month of accounting year <b>12</b>	
<b>12</b> First date wages or annuities were paid (month, day, year). Note: If applicant is a withholding agent, enter date income will first be paid to nonresident alien. (month, day, year)			
<b>13</b> Highest number of employees expected in the next 12 months (enter -0- if none).		<b>Agricultural</b>	<b>Household</b>
Do you expect to have \$1,000 or less in employment tax liability for the calendar year? <input type="checkbox"/> Yes <input type="checkbox"/> No. (If you expect to pay \$4,000 or less in wages, you can mark yes.)		<b>Other</b>	
<b>14</b> Check one box that best describes the principal activity of your business.			
<input type="checkbox"/> Construction <input type="checkbox"/> Rental & leasing <input type="checkbox"/> Transportation & warehousing <input type="checkbox"/> Accommodation & food service <input type="checkbox"/> Wholesale-agent/broker <input checked="" type="checkbox"/> Real estate <input type="checkbox"/> Manufacturing <input type="checkbox"/> Finance & insurance <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Wholesale-other <input type="checkbox"/> Retail			
<b>15</b> Indicate principal line of merchandise sold, specific construction work done, products produced, or services provided. <b>Shopping Center</b>			
<b>16a</b> Has the applicant ever applied for an employer identification number for this or any other business? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note: If "Yes," please complete lines 16b and 16c.			
<b>16b</b> If you checked "Yes" on line 16a, give applicant's legal name and trade name shown on prior application if different from line 1 or 2 above. Legal name ▶ <b>Isam Khoury</b> Trade name ▶ _____			
<b>16c</b> Approximate date when, and city and state where, the application was filed. Enter previous employer identification number if known. Approximate date when filed (mo., day, year) <b>April, 2005</b> City and state where filed <b>San Francisco, CA</b> Previous EIN <b>54-2173608</b>			
Third Party Designee	Complete this section only if you want to authorize the named individual to receive the entity's EIN and answer questions about the completion of this form.		
	Designee's name		Designee's telephone number (include area code) ( )
	Address and ZIP code		Designee's fax number (include area code) ( )
Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and complete.			Applicant's telephone number (include area code) ( <b>650</b> ) <b>2194340</b>
Name and title (type or print clearly) ▶ <b>Isam Khoury, Manager</b>			Applicant's fax number (include area code) ( )
Signature ▶ 			Date ▶ <b>10-21-15</b>

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.

Cal. No. 16055N

Form **SS-4** (Rev. 2-2006)



**OPERATING AGREEMENT  
SHOPS AT WAGGONER, LLC  
A CALIFORNIA LIMITED LIABILITY COMPANY**

In accordance with the Beverly-Killea Limited Liability Company Act and subject to the Articles of Organization, which were filed on February 12, 2007, with the Secretary of State of California, the members of SHOPS at Waggoner, LLC, listed on the signature page, make the following agreement on March 17, 2007, regarding the conduct of the business and affairs of SHOPS at Waggoner, LLC, a California limited liability company ("Company"):

**ARTICLE 1  
DEFINITION OF TERMS**

1.01. When used in this agreement, the following terms have the meanings set forth here:

(a) "Act" means California's Beverly-Killea Limited Liability Company Act, as set forth in Corporations Code Title 2.5.

(b) "Agreement" means this operating agreement, as originally executed and as amended from time to time.

(c) "Articles" means the Articles of Organization for the Company filed under California *Corporations Code* section 17050, including all amendments thereto or restatements thereof.

(d) "Available cash" of the Company means all cash funds of the Company on hand from time to time (other than cash funds obtained as contributions to the capital of the Company by the members and cash funds obtained from loans to the Company), after (1) payment of all operating expenses of the Company as of such time, (2) provision for payment of all outstanding and unpaid current obligations of the Company as of such time, and (3) provision for a working capital reserve, as defined below.

(e) "Bankrupt" or "bankruptcy" means, with respect to any person, being the subject of any order for relief under Title 11 of the United States Code, or any successor statute.

(f) "Capital account" means the individual accounts established and maintained pursuant to Paragraph 3.04.

(g) "Capital contribution" means the total value of cash and agreed fair market value of property contributed and agreed to be contributed to the Company by each member, as shown in Exhibit A, as the same may be amended from time to time.

(h) "Code" means the Internal Revenue Code of 1986, as amended. All references in this Agreement to sections of the Code include any corresponding provision or provisions of succeeding law.

(i) "Company" means SHOPS at Waggoner, LLC, a California limited liability company.

(j) "Entity" means any association, corporation, general partnership, limited partnership, limited liability company, joint stock association, joint venture, firm, trust, business trust, cooperative, and foreign association of like structure.

(k) "Interest" in the Company means the entire ownership interest of a Member in the Company at any particular time, including the right of the member to any and all benefits to which a Member may be entitled as provided in this Agreement and under the Act, together with the obligations of the member to comply with all of the terms and provisions of this Agreement.

(l) "Manager" means person(s) elected by the Members of the Company to manage it or each of the Members of the Company.

(m) "Member" means a person who

(1) Has been admitted to the Company as a Member in accordance with the Articles of Organization or Operating Agreement, or an assignee of an interest in the Company who has become a Member pursuant to *Corporations Code* section 17303.

(2) Has not resigned, withdrawn, or been expelled as a Member or, if other than an individual, been dissolved.

(n) "Percentage interest" of a Member means the percentage of the member set forth opposite the name of the Member in Exhibit A attached to this Agreement, as the percentage may be adjusted from time to time pursuant to the terms of this Agreement.

(o) "Principal office" means the office of the agent of this Company as shown in its Articles.

(p) "Pro Rata Part" means the proportion that a percentage interest of a Member bears to the aggregate interest in the Company of all Members.

(q) "Share" refers to an interest in the Company representing a contribution to capital. Whenever reference is made to "percentage interest," a share may be converted into the same by dividing a Member's number of shares by the total of all shares outstanding.

(r) "Substitute Member" means any individual or entity that is admitted into membership on the written consent of all Members in accordance with Paragraph 3.11.

(s) "Tax Matters Member" means the member chosen pursuant to Internal Revenue Code § 6231(a)(7) to deal with the Internal Revenue Service on tax matters.

## **ARTICLE 2 ORGANIZATION OF COMPANY**

### **Formation of Company**

2.01. The Members have formed a limited liability company under the Act by properly executing and filing the Articles and executing this Agreement. The rights, duties, and liabilities of the Members and the Managers are determined pursuant to the Act, the Articles, and this Agreement.

### **Company Name**

2.02. The name of the Company is SHOPS at Waggoner, LLC. The Company will transact business under that name. However, the Company may conduct business under another name if the Members think it advisable, provided that the Members comply with the Act and any other applicable laws, file fictitious name certificates and the like, and file any necessary amendments.

### **Company Purpose**

2.03. The purpose of the Company is to engage in real estate investments, and shall be solely to acquire, operate and dispose of that certain real property known as SHOPS at Wagonner in the City of Columbus, State of Ohio and as more commonly described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property"). So long as the company is obligated on any indebtedness or obligations of any kind whatsoever to Wells Fargo Bank, a National Banking Association (and its successors and/or assigns, collectively referred to herein as "Lender"), except upon the express prior consent of Lender: (i) the foregoing statement of purpose shall not be amended; and (ii) the Company shall not hold or acquire, directly or indirectly, any ownership interest (legal or equitable) in any real or personal property other than the Property, or become a shareholder of member or partner in any entity which acquires or holds any property other than the Property.

### **Operative Date of Agreement**

2.04. The provisions of this Agreement shall take effect on April 25, 2007.

individual, or (2) be required to see to the application or distribution of proceeds paid or credited to individuals signing this Agreement on behalf of the entity.

#### Execution of Spousal Consent

20.14. Each married Member and their respective spouses are parties to this agreement.

#### Warranty of Each Member

20.15. Each Member agrees, represents and warrants that at the time he or she executes this Agreement, either:

(a) He or she is under no legal obligation, by way of judgment, agreement, contract, or otherwise, specifically including but not limited to any employment agreement, marital settlement agreement, prenuptial or postnuptial agreement, non-marital property agreement, or creditor's agreement, that conflicts with the terms of this Agreement or might impede that Member's ability to comply with the terms of this Agreement, including but not limited to those provisions of this Agreement respecting the operation and management of the Company or dealing with the transfer or interests in the Company; or

(b) That if he or she is under any legal obligation referred to in subsection (a), above, he or she shall supply, at the time he or she executes this Agreement, a signed consent by each person legally entitled to enforce that obligation, in substantially the form of the spousal consent form attached to this Agreement, modified as appropriate to the circumstances and approved by all the other members of the Company, by which that person legally entitled to enforce the obligation agrees to be bound by all provisions of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Agreement, to be effective as of the date the Articles of Organization of the Company are accepted for filing by the Secretary of State.

March 17, 2007

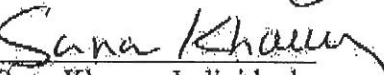
SHOPS at Waggoner, LLC

Isam and Jane Khoury, Trustees of the Khoury Family Trust  
Dated November 22, 2000

By   
ISAM KHOURY, Trustee, Manager

By   
Leon Khoury, Individual

By   
Jane Khoury, Trustee

By   
Sana Khoury, Individual